

**THE FAYETTE COUNTY PLANNING COMMISSION** met on July 7, 2016 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Jim Graw, Chairman  
Arnold L. Martin, III, Vice-Chairman  
Al Gilbert  
Brian Haren  
John H. Culbreth Sr.

**STAFF PRESENT:** Pete Frisina, Director of Community Services  
Dennis Dutton, Zoning Administrator  
Chanelle Blaine, Planning and Zoning Coordinator  
Patrick Stough, County Attorney  
Phil Mallon, County Engineer/Public Works Director

**Welcome and Call to Order:**

Chairman Jim Graw called the Planning Commission Meeting to order. Chairman Graw introduced the Commission Members and Staff.

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**1. Consideration of the Minutes of the Meeting held on June 16, 2016.**

Al Gilbert made a motion to approve the minutes. Motion seconded by Arnold Martin. The motion to approve the minutes was 4-0, with one abstention. John Culbreth abstained.

**2. Consideration of a Minor Subdivision Plat for RodWrightCorp Property. The property will consist of three (3) residential lots. This property is located in Land Lot 72 of the 4<sup>th</sup> District, fronts on Grant Road and Robinson Road, and is zoned A-R.**

Chairman Graw stated that these are already zoned pieces of property and what they are looking at here is a plat of that property that the developer or the individual are presenting to us. He said that the Planning Commission looks at the technical aspect of the plat and decides if those meet the zoning ordinance and the subdivision regulations. He asked the Planning Commission if they had a chance to look at that.

Planning Commission replied yes.

Chairman Graw asked if there were any questions. He also asked if Mr. Wright was here. He asked if Mr. Wright had anything he wanted to tell the Planning Commission.

Rod Wright replied no sir; I believe it is all on the plat.

Brian Haren made a motion to approve the Minor Subdivision Plat for RODWRIGHTCORP. Motion seconded by John Culbreth. The plat was approved by a vote of 5-0.

3. **Consideration of a Minor Subdivision Plat of J.K. Singletary and Patricia Singletary Property. The property will consist of one (1) residential lots. This property is located in Land Lots 26 and 39 of the 4<sup>th</sup> District, fronts on Seay Road, and is zoned A-R.**

Chairman Graw asked if the petitioner was here.

Mahmoud Americani stated that the owners were not present and that he would be buying the property from them.

Chairman Graw asked if there were any questions from the Planning Commission.

Arnold Martin replied that there were no questions, and that they had reviewed it.

Al Gilbert made a motion to approve the Minor Subdivision Plat for J.K. Singletary & Patricia A. Singletary. Motion seconded by Arnold Martin. The plat was approved by a vote of 5-0.

4. **Consideration of Petition No. 1257-16, TSTT Investments, LLC, Owner, and Brent Holdings, LLC, Donna Black & Randy Boyd, Agents request to rezone 212.832 acres from A-R and R-40 to PUD-PRD to develop a Single-Family Residential Subdivision with 91 lots. This property is located in Land Lots 4, 5, 28, 29, and 30 of the 7th District and fronts on Ebenezer Church Road and Davis Road.**

Chairman Graw stated that he assumes a lot of people came out for this petition. He asked the people who wanted to speak in favor to raise their hands. He then asked the people who wanted to speak in opposition to raise their hands. He said that there were 20-25 people who wanted to speak in opposition of the petition. He stated that the Planning Commission was going to maintain a strict 20 minute rule. He said the petitioner and the people who want to speak in favor will have 20 minutes and those wanting to speak in opposition will have 20 minutes. He added that if the 25 people who want to speak in opposition all come up to the podium they would have 30 seconds to speak, and will not have enough time to say what they want. He suggested to the people speaking in opposition to get together and pick four (4) or five (5) representatives that will speak on their behalf at the podium. He added that if the four (4) or five (5) people do not take all of the 20 minutes they would be glad to recognize others that would like to come up and speak in opposition. He reiterated that the Planning Commission would not go over the 20 minute time rule. He said that they will take 10 minute break to allow them to get representatives.

Randy Boyd stated that he was a registered engineer and land surveyor and would be representing TSTT Investments, who is the owner of this property. He said that the property is approximately 213 acres and a slither on the Davis Road end is currently zoned R-40; the rest of property is zoned A-R and is supported on the south end by Ebenezer Church Road. He gave a quick history about the property stating that the property was presented in 2005 with an additional 50 acres on the north side of Davis Road. He added that he presented the rezoning of 268 acres with 182 lots. He stated the portion that they are asking for now would have comprised of 140 lots. He said that the petition was denied. He stated that in 2007 they came back before the Planning Commission and asked for approval for R-50 (one (1) acre zoning) with 106 lots on the same 213 acres. He said that they

worked with staff and reduced the number of lots down to 92. He added that they come before you tonight with a request of a PUD-PRD, with 91 lots. He stated that they're request is for the 213 acres minus the right-of-way, flood plain, and storm-water detention areas; this yields a 182 net acres which is the definition calculation of the acreage, and the land use plan calls for a yield of one (1) unit every two (2) to three (3) acres. He said they divided 182 acres by the two (2) which they feel is appropriate in this situation, because they have a one (1) to two (2) land use plan north of Davis Road. He added that ours start the two (2) to three (3) and works further south into the County where it joins up with the A-R or five (5) acre zoning. He stated that they are within the comprehensive land use plan of the density of one (1) lot every two (2) acres. He asked that they approve the plan tonight as submitted. He said to the audience that for a PUD-PRD zoning developers are come before the Planning Commission in an informal basis to discuss the project. He added that they came before them for their benefit two (2) different times and they addressed issues of contiguous area, buffers, second entrance coming out of Davis Road, and lot size. He stated that they have addressed all the concerns and cleaned the site plan up. He said that on the last revision the open space area was 36.7 and the letter of intent still said 34 acres. He asked that they approve it as submitted and as they have worked out with them in the last couple of months.

Chairman Graw asked if anyone would like to speak in favor of the petition. Hearing none he asked if anyone would like to speak in opposition. He asked if anyone else wanted to speak in opposition.

Al Gilbert said people in opposition could come down to the front.

Col. Jack F. Smith resident of Fayette County read the following statement:

My name is COL (Ret) Jack F. Smith and I live at 180 Martha's Cove.;

I retired after serving 26 years with the US Army Corps of Engineers  
422 feet of my property line adjoins this proposed development.

I am honored to state that residents of neighborhoods that surround the planned development in question have selected me to be their spokesperson. I have asked to express their desire that the rezoning request of 212 acres bordering Ebenezer Church to the South; Country Trace to the West; Davis Road to the North; And Martha's Cove and the Crafts property to the East be denied.

By a raise of hands, who present agrees that I am your spokesperson?

I would also like to state for the record that I have had numerous communications from residents all over the county, to include Peachtree City and Fayetteville, who do not want to see the tone and texture of the county to be changed to high density subdivisions.

Rezoning Petition 1257-16 consisting of parcels 0702-005 and 0703-016 from A-R to PUD-PRD and Parcel 0703-023 be rezoned from R-40 to PUD-PRD needs to be denied.

Primarily because the planned development as currently shown, **violates** the Fayette Land Use Plan on 70 of the proposed 91 lots.

Bob Craft and his wife Alysia lived on 150 acres of land that adjoins this proposed development. Bob is no longer with us but Alysia traveled from Florida this week to attend this hearing. Alysia please raise your hand.

In memory of Bob, I would like to ask two questions that Bob always asked at rezoning hearings.

1. Has the county changed the Land Use Plan?
2. Has the developer provided a compelling reason to not follow the Fayette Land Use Plan? Lot 11 (1.00), 20 (1.01), 26 (1.03), 36 (1.05), 37 (1.08)

The last 3 years in the Army I was responsible for all of Master Planning, Construction and Maintenance of all army facilities in Central Command: Kuwait, Iraq, Kazakhstan, Afghanistan, Qatar, Bahrain and Yemen.

**Key Lesson learned**...once you lose control of a Master Plan it is next to impossible to recover. As an Army planner, the saying goes that a plan never survives first contact

The Fayette County Master plan, both the initial and the current Fayette Land Use Plan, did not survive first

contact.

One only needs to look at a map of Fayette County to see the initial plan. **Five cities** Woolsey, Brooks, Tyrone, Peachtree City, Fayetteville had their city limits extended to allow a significant portion of the county to have high density development (A total of 36,000 acres)...the rest of the county was zoned predominantly A-R which requires a minimum of five acre lots for each single family home.

A new **Fayette Land Use Plan** was put into place in the mid 1980s. The reason for the change is that developers simply do not make **enough money** on five acre developments...so development was stymied, which to the casual observer was what the initial plan was supposed to accomplish. The Land Use Plan in its most basic form surrendered the 5 acre requirement in the middle half of the county to 2-3 acre parcels.

Now the Fayette Land Use Plan is under attack: Say no to the planned development in question. This development violates the Land Use Plan 70 times of the 91 lots shown on the document. That's correct 77% of the homes planned for construction sit on 1+ acre.

**Central Park** and the vision for Fayette County

#### **The Numbers**

91 Lots

70 lots do not meet the Fayette County Land Use Plan (77%)

16 lots are less than 1 and a qtr acre...18%

15 houses along Davis ~4/10<sup>th</sup> of a mile = 3.75 house/ 1/10<sup>th</sup> of a mile

28 houses within stone throw of Davis = 7 houses/ 1/10<sup>th</sup> of a mile of frontage

27 houses currently on Davis—2.3 miles = 4.6 miles of frontage...

13 houses on one side is 0.5 houses/10<sup>th</sup> of a mile

14 houses on other side is 0.6 mile/10<sup>th</sup> of a mile

**The Frontage Density** along Davis is two orders of magnitude higher if this development project is approved.

If any citizen wants to verify any of my numbers concerning surrounding properties simply type into your Search Engine "**Fayette County GA GIS**". When you zoom into the Fayette County map far enough you will see the boundaries of every parcel of land in the County. Tap the "i" button then click on any parcel and you can find out a great deal of information, such as, the owner, when it sold last, what it sold for, the zoning for the property and how many acres are on the parcel.

The Planned Development is a Cartoon

Little to no consideration for Topography

Little to no consideration for Hydrology

4 of 8 Ponds are located where little to no runoff can get to them due to topography; unless!

Does the developer intend to deforest large swaths of the 212 acres in order to flatten lots, reshape the topography and to modify the hydrology...This would be a scar to this part of county.

I challenge every committee member to drive down three roads before you make recommendation: Ebenezer Road, Ebenezer Church Road, and Davis Road.

You will not see any curbs, no sidewalks, no big parking lots, very few street lights except for at the churches.

In all of that vast land containing over 5000 acres one can find only a handful of lots less than two acres and four of those are in this development. I suspect all of them occurred during land transactions before the Fayette Land Use Plan was in effect, except the four R-40 in this plan.

These lots were formed when the county took control over Davis road. When the right-of-way was applied, this small sliver of land was formed between the road and the 165 acre parcel to the south. The amount of land produced a single 4.8 acre lot and last developer who attempted to have this land rezoned summarily requested R-40 zoning which requires only one acre per house. The board approved it with debate or comment. This lot is so narrow a single house would not be allowed to be built on the 4.8 acre lot because it is less than 100 feet wide at its widest point. But now there are four lots that no house can be built.

The Fayette Land Use Plan was placed in jeopardy by allowing that rezoning. There were eight different single family residential zoning that would have preserved the integrity of the Land Use Plan. It is ironic that the majority of the four R-40 lots in this plan is located on 2+ acre lots.

Let's talk about 1 Acre. An acre is 43,560 ft<sup>2</sup>. Big number. Big if you are moving out of apartments, condos, townhouses and/or duplexes. But a square one acre lot is only 208 feet on a side. How many people present have a driveway that is longer than 200 feet long.

You put a 2500 square foot house with a two car garage, a 12 foot wide driveway and a 23 foot turnout to get into the garage; and your standing less than 60 feet from your neighbors property line.

The denser the subdivision the higher the storm **water runoff**. 91 (2500 ft<sup>2</sup>) houses is 5.2 acres of nonporous area, add-in garages, driveways and sheds and there is another 5-8 acres and there are 14.8 acres of roads. For every 1 inch of rain this development receives 5.7 million gallons of water. Almost 1 million of those gallons will land on nonporous surfaces. The ponds in this part of the county are already under stress with silt during



and after heavy rains. This development will only exacerbate this problem with even more runoff. When will the county develop a comprehensive plan to manage storm water from this and future large tract developments?

There are over 3200 acres within 2.5 miles of this development with the vast majority of that acreage consisting of large tracts. Almost all of this land will be on the market in the next 10-20 years. If that development mirrors this development the streams and ponds will be unable to handle such runoff with just retention ponds.

-Sewage vs Septic...1 Acre, given the right soil conditions can service a household waste water needs. There is one caution for this developer. Most of the high ground on this property are high because the soil sits on granite domes. Getting the ground to perk on each of the one acre lots will be problematic. I would be way more comfortable if minimum lot size for septic was three acres given the fact the thousands of acres are going to be up for development in the next two decades.

There is going to be time when Fayette County has to come to terms with pulling itself out of **third world status**. How can the most affluent county in the state of Georgia be a third world county?

Most of us have heard countries referred to as developed countries and others as third world countries...but most of us were never given the difference between the two.

Throughout human history there has been great civilizations...Mayans, Aztecs, Greeks, and Romans. It takes two things for a civilization to exist, much less prosper.

1. The delivery of clean potable water to the population and
2. The proper removal, treatment and/or disposal of human waste.

Developed countries provide these two services to the majority of their population, third world countries do not.

I've been told the reason vast portions of the county are on well water and septic is to control development. You do not withhold basic services to your population to control development. You control development by rigorous enforcement of your zoning ordinances.

This development does not meet the Fayette Land Use Plan and should be denied.

-Other points about the plan:

The **Amenity Area** is poorly located. Is this to be a building with a community pool? It is not clear on the drawing.

51 of 91 houses are north of the stream. Simply to allow more residents to walk to the amenity area the amenity area should be centrally located.

The amenity area could be on one of the lots co-joined with the 100 year flood zone so the land can be maintained as a community park with walking and bike trails.

Either that or extend the adjoining lots into the flood plane with the appropriate caveats that no construction can occur on that part of the lot; or make it a construction buffer zone that exists on edge of the development. Either solution will solve the "un-owned land" problem.

Un-owned land is unmanaged land and unmaintained land. Such land is where illegal dumping takes place; Rampant under and over growth occurs and where people of ill repute gather to do nefarious activities.

There are similar issues with the pond areas. Those pond dams need to be maintained so no trees take root on those dams. When such trees die and the roots rot, you create weak points in those dams. As this plan exists; no one has responsibility for the ponds.

We have two such ponds on Martha's Cove that have houses on them and the owners had to agree to allow inspectors to inspect the ponds. So there is no reason to have un-owned land around these ponds. I will also add that neither of the ponds have been inspected since the current owners acquired their property. In one case that is 14 years.

-**Davis Road**

51 houses within a quarter mile of Davis road equates to over 300 residents +/-

Fire and rescue and the sheriff/police forces have to go 6-7 miles out of their way to respond to the north end of the development

Does the county have the plan and the funds to pave Davis?

-Sim City

I have spoken to Runoff...water...septic vs sewer...lot size...watershed management...paving of roads...curbs...sidewalks and street lights.... The game crashes when you do not account for the required infrastructure to support development. The Fayette Land Use Plan is about to crash.

-To summarize the positive aspects of this plan:

- 3+ acre lots along Martha's Cove
- 100 foot buffer on east and west sides
- Stream land protected as a set aside

To summarize the negative aspects of this plan:

- 48 less than 2 acre lots along Country Trace and Davis...why not the same 3+ acre consideration given to those land owners
- 3 one Acre lots adjoined to Craft's 150 Acre lot
- Two 1 Acre lots on Ebenezer Church Road
- Location of Amenity Area
- No plan to manage or maintain stream area
- No consideration of Topography
- No consideration of Hydrology=an irrational pond plan

Property rights of land owners is usually a subject at these type of hearings. There is no "landowner" in this instance. TSTT Investment LLC is not a person. It is a company whose sole purpose is to maximize profits for its investors. They have no presence in the county, they have no stake in the current or future of the county and they have zero concern for the impact of this development on the surrounding communities. The county Government has no responsibility to ensure this investment company maximizes their profit. None of the citizens in the county have no responsibility to ensure this investment company maximizes its profits.

Thank you for your time and consideration.

Enforce the Fayette Land Use Plan

Recommend that this rezoning request be denied.

Chairman Graw asked if anyone else would like to speak in opposition and how much time was remaining.

Chanelle Blaine replied seven (7) minutes.

Dave Hannum a resident of Fayette County whose property backs up to this proposed subdivision, stated that he has sent pictures and videos to the Planning Commission regarding the water problem with the storm-water runoff because the property is higher than them. He said that they are concerned by what is going to happen when 91 lots, which they feel is too much of a density for that, area become a reality; and he receives double as much water as he has now. He added that he won't be able to live there and that his property will be underwater a good portion of the time. He asked for a denial of this project until they can come up with a better situation for the homeowners that are there because of this storm-water issue.

Chairman Graw asked if anyone else would like to speak in opposition.

Timothy Gwin stated that he has lived on Ebenezer Church Road most of his life. He said that he bought his parent's house after they were unable to keep it up. He added that the property is on seven (7) acres and they have enjoyed the quality of life so much they bought the house next door for family. He stated that when he was a youngster all they would hear is frogs and crickets at night and now his son who is in his old room, hears only traffic all night. He said that we've heard about the storm-water and the changes that will take place, but he would like to bring up the traffic issue. He added that in the morning and in the evenings when he leaves his driveway he has to gun his truck, to get out on to Ebenezer Church Road, to get into the flow of traffic. He stated with that many cars that are now going to be here with this many new houses it's going to be even more difficult. He said for him to maintain his property he has to use a tractor, and when he gets on Ebenezer Church Road he is routinely runoff the road just to cut the grass. He added that the traffic is getting to a point where it is unsustainable, and that the speed limit needs to be lowered on Ebenezer Church for there are lots of blind driveways. He stated that he just wanted to address that

to the Planning Commission and he thanked them for their time.

Chairman Graw asked if anyone else would like to speak in opposition. He asked how much time remained.

Chanelle Blaine replied 5 minutes.

Norman Noldie a resident of Fayette County stated he object to this proposal primarily from the fact that Davis Road is a dirt road and it has been for years. He said if we get that type of density that has access to Davis Road it will no longer be usable by the residents or for that matter anyone else. He added that it will be rutted and rough as it is right now. He stated that he knows of three (3) spots on Davis Road just where John Smith property ends and proceeds to Lester Road; where he lives in fear that one (1) day a larger vehicle will take out my wife's vehicle or anyone else who lives on Davis Road because of the blind areas. He said that if the County has no plans of surfacing Davis Road then all their doing is creating a danger zone for those people who might live in that subdivision and for all of the residents who live on Davis Road. He added if they should approve this no construction traffic should be allowed on Davis Road whatsoever. He stated that one (1) concrete truck on a wet day is going to make that road unusable, and if they put more than one (1) concrete truck on there, Davis Road will become unusable for anyone and it will become a serious expense for the County.

John Burns a resident of Fayette County asked if they had received the videos of the flooding coming through Dave Hannum's property. He said that he is the recipient of that because he has the retention pond on his property that receives all the water from both sides of the subdivision. He stated that it goes on one (1) side of the road underneath which has a big dip in the road, and now that road is going to fail the whole subdivision is going to be cut off. He added that the subdivision will be cut off from the world because there is no way of getting in and out of the subdivision but through that road. He said that if you have seen the flooding coming off of his property multiply that by I don't know how many. He stated that the retention pond on his property holds eight (8) feet of water and is stocked with bass and brim. He added that he loves his property and that the developer is trying to take it away from him. He stated that the beautiful lake behind his property (the McKnights) that his retention pond protects will all be gone. He said that he bought and cleaned up the retention pond next to him that had set for five (5) years and he would like to retain what he has and that's why he moved to Fayette County.

Chairman Graw asked how much time.

Chanelle Blaine replied 36 seconds.

Chairman Graw stated that Mr. Randy Boyd has 16 minutes to rebut.

Randy Boyd stated that this plan does not violate the comprehensive land use plan. He said that the comprehensive land use plan speaks to density and not lot size. He added that the land use plan says one (1) dwelling unit per two (2) to three (3) acres. He stated that he had given the definition of a net density acre a while ago, it is total area minus the right-of-way, floodplain, and the area

dedicated to the storm-water detention basin; that leaves 182 acres divided by the two (2) is 91 lots that's how we came up with the 91 lots. He said they were well within their rights to develop this property using one (1) acre lots and a variation of size lots, which we have done here. He added that they put the three (3) acre lots next to the Martha Cove's subdivision because they have five (5) acre lots. He reiterated that this is within the comprehensive land use plan. He stated that the plan has not been change within the last 25 years that he knows of. He added that Mr. Smith said they were not paying any attention to the topography or hydrology of the runoff, and that's totally not true. He stated that we have a current topographical survey and a level three (3) soils analysis. He added that each lot will support a septic tank and some lots are larger because the soil isn't as good. He stated that he did not see massive amounts of granite popping out on top of those fields, but if there were any we compensated for that with the size of the lots. He said that the detention basins will be placed in the low areas; and they are not going to do a mass grading on a piece of property. He added that the detention basins are looked to be located at the low point where the topography flows to. He stated that the gentleman that is having problems with flooding on his lot it will get better as you put a detention there and you can over detained to control the runoff on your property. He said that Davis Road is going to be updated one (1) day on the thoroughfare plan it is given the collector status which requires an 80 ft. right-of-way. He added that the right-of-way would have to be obtained; but he doesn't know if the residents realize it or not, there is about 640 acres north of Davis Road that is zoned one (1) acre lots that is called Waterlace Subdivision and it has an entrance coming out onto Davis Road. He stated that it has already been approved and they're quickly moving that way now that the recession is over and people are building houses once again. He said that plans should have already been turned in, and they probably shouldn't be years and years away. He added that he believed it's going to be very close to being developed soon. He reiterated that there is an entrance on Davis Road and that something is going to need to be done on Davis Road very soon. He stated that he believes the planners and staff of the County has taken that into consideration because it is a collector street; you can't have a collector street be a gravel road it is going to be approved one (1) day. He said that these detention basins will be monitored; the ordinance was not in place when the subdivision next door along Martha's Cove was put in. He added that there is not a Storm-water Management ordinance that requires these detention basins/water quality basins be put on separate pieces of property that are not owned by an individual but by the home owners association. He stated that it has to be monitored it has to have the grass cut, you have to have it cleaned out, and you don't let trees grow in it. He reiterated that it is a requirement now and it won't be forgotten like it has been for the subdivision that was developed to the east of us. He said that the request is for 91 lots on 213 acres; it is well within the land use plan; we work with the Planning Commission and has answered all the questions you have asked us to do; and we request that you rezone this as we have submitted and I will leave the remainder of the time to Donna Black who will address some other issues.

Randy Boyd stated that I think I have covered all that we would like to cover thank you.

Chairman Graw stated that we have heard from those speaking in favor and opposition and I will now bring it before the Planning Commission.

Al Gilbert reads the condition for the rezoning:

The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the centerline of Davis Road prior to the approval of the Final Plat and said dedication area shall be shown on the Preliminary Plat and Final Plat. *(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*

Randy Boyd said that they will agree to the condition.

Chairman Graw asked why the increase to 70 one (1) acre lots, because in the previous meeting had with the Planning Commission the original amount of one (1) acre lots were 66.

Randy Boyd replied that he hadn't realized they had increased the amount of lots. He stated that they just addressed their comments with the buffers and thought they addressed all of their concerns.

Chairman Graw stated that if he remembers correctly he thought that there were 66 lots on the last right up they received. He said that I may be incorrect but thought I saw 66. He asked what was his reason was again.

Randy Boyd reiterated that they addressed all their concerns and thought they would have addressed that at the last meeting. He stated when they had started out they initially had all of the 91 lots were one (1) acre when they submitted it to them in 2007. He said that design had massive amounts of protective area all around the property. He added that under the PUD-PRD zoning requirements or suggestions is to have different size lots; so we came back making these lots larger next to the Windridge Subdivision but my original design was all one (1) acre lots which is not in conflict with other PUD's that have been done. He stated that New Haven that is on Bernhard Road and Redwine Road and we are within very close to those percentages. He said that there are not a lot of PUD's that have been approved by this County, and that he has worked in this County for 35 years and has never had one (1) approved. He added that there was another PUD Brechin Park down toward Highway 74 in Peachtree City and it has 82 one (1) acre lots. He reiterated that his original intent was to have all one (1) acre lots with massive amounts of open space and he said that personally he thinks that is a better idea. He stated that there is one (1) acre lot on this design; 68 one (1) to two (2) acre lots; 13 two (2) to three (3) acre lots; eight (8) three acre lots, and one (1) four acre lot. He said that is the breakdown that we have gotten at your request of making a dukes mixer of different lot sizes. He added that if you make lots larger land has to come from somewhere, and what it did was consume all of the open space, and if you had 91 one (1) acre lots you could make everything else open space. He reiterated that he thought it was a good design also and thought they had addressed all of their comments.

Arnold Martin stated that this major concern was safety on Davis Road and in their initial talks they discussed having two entrances at the front of the subdivision. He said that this would be major concern for the homeowners at the rear if there was an emergency. He added that it is required to have two (2) entrances and it is recommended by our County Engineer that one (1) be placed on Davis Road. He stated that he understands the recommendation, but wanted to know what the developers were going to do.



Randy Boyd stated that if Davis Road were paved we wouldn't be having this conversation. He said that when Waterlace Subdivision comes down and touches on there with their hundreds of lots that they surface Davis Road. He added that it is already designated a collector street which requires and 80 ft. right-of-way, which we are willing to donate at no cost to the County. He reiterated that it is going have to be improved and cannot stay a dirt road forever. He stated that he agrees with the County Engineer Phil Mallon that the connectivity is a lot better, we don't like for it to be dumped out on a dirt road. He said if they're willing to allow them to go in and developed the subdivision they would have the right-of-way there. He added that they could get a performance bond, and grade it and curb it to get it ready; we can also gate it until they get Davis Road upgraded.

Arnold Martin asked how the developers were going to handle construction vehicles on Davis Road.

Randy Boyd replied that if this gets approved they would put in the right-of-way, we grade it, and have the road ready even paved it, except for the fact that it is gated only until Davis Road is improved then you take the gate down and allow people to use it. He stated that for now it is a safety issue we just won't allow people to exit on Davis Road, instead they would ride around as if that exit doesn't exist. He said that he could take the Planning Commission to some subdivision that are currently doing that; but he doesn't know if Engineering will have an issue with it, but it is doable.

Donna Black stated that they are open to different access options. She said they are willing to have an access on Davis and Ebenezer Church Road like the County Engineer has asked; we can rearrange the plan so that you have the two (2) accesses on Ebenezer Church Road and no access on Davis. She added that they have talked to the County Attorney to allow for only an emergency access for Davis Road, and he was not opposed to it although, that is not the desire of the County Engineer. She stated that the plan can evolve to figure out what the County prefers as far as access. She said regarding construction traffic they are more than willing to restrict construction traffic so it is not on Davis Road.

Arnold Martin stated that they are applying for a PUD-PRD and the definition states that the intent of the plan is to encourage creativity and resourcefulness in residential development and to provide open space, parks, and recreation facilities for the residents of the development and or the general public. He asked based upon that definition how you are meeting the intent. He said that he understands they have a lot of open space but what else will they be doing to follow the intent.

Donna Black stated that what Mr. Boyd indicated earlier the original plan had a great deal of open space and smaller lots but the desire of the Planning Commission is for people to have larger lots and a mix of lot sizes. She said in meeting those standards we increased the lot size and reduced the open space. She added that there is still room for recreational facilities, screen buffers to still be preserved, and floodplain and/or wetlands preservation that are still in there. She asked if he was talking about walking paths or that sort of thing.

Arnold Martin replied yes and that the public would like to hear more of a definition of what you are applying for and how you will be meeting it based upon that request.

Donna Black stated that typically open space within a subdivision would be the property of the

Home Owners Association or the subdivision and those areas are typically not open to the public; so you won't have problems with people using those areas for maybe nefarious activities, those areas are open for people that will use the subdivision to have unstructured nature time with a lot of the creeks and stream buffers that can provide areas for walking; as well as a more developed amenity area.

Arnold Martin asked Pete Frisina about how the PUD-PRD meets the land use plan. He stated that in the information he received that the subject property lies within areas designated as rural residential one (1) unit per two (2) to three (3) acres. He said that we have a strong discrepancy as far as understanding and would like for him to clear it up.

Pete Frisina replied that the density is based on housing units and it says one (1) housing unit per two (2) to three (3) acres of the PUD's we have in place right now Whitewater Creek, Highgrove, Timberlake, New Haven, Horseman's Run, Jefferson Woods, Woodcreek, and Brechin Park are all based on that of units per acre and not acres per units not minimum lot size. He stated that all of those subdivisions have one (1) acre or one (1) acre plus, and all met the merits of the land use plan based on that. He said that he requirements for open space in this subdivision based on their calculations is about 5.2 acres; in terms of the PUD its so many thousand square feet per unit; and 91 lots turned into 5.2 acres of open space, so they have a little bit larger amount of open space in the subdivision with 36 acres.

Chairman Graw said what you're saying is that the developer has met and exceeded the criteria that is required for the PUD-PRD.

Pete Frisina said that it is the net density per acres per unit. He said that two (2) acres or three (3) acres would be fine under normal straight zoning.

Al Gilbert asked if there were any plans for a recreational structure like a clubhouse or tennis court.

Donna Black replied that we do normally build picnic structures, play facilities, swings for sitting and enjoying, landscaping, and there are a number of facilities that can be installed.

Chairman Graw stated there was a petition presented to us with an estimated 215 signatures on the petition; the petition said: *These signatures consist of persons who desire that the Fayette County Planning Commission deny TSTT Investment LLC to rezone parcels 0702-005 and 0703-016 from A-R to PUD-PRD and parcel 0703-023 from R-40 to PUD-PRD.* He said that they received copy of Mr. Hannum's letter and pictures to make part of the official record. He added that the Planning Commission also received a four (4) page letter from Mrs. Trudy Whittington of Country Trace asking us to deny the petition.

Chairman Graw asked if any of the Planning Commission had any questions.

Chairman Graw stated that he had several concerns the first being traffic, the traffic study estimates that there will be 960 vehicle traffic trips per day at buildout and build out is five (5) to eight (8) years away. He said at the same time Waterlace Subdivision is coming south (buildout date

unknown) and hits Davis Road and when this subdivision is completed I suspect the County will pave Davis Road. He added that if Waterlace Subdivision is done in five (5) to eight (8) years we will see Davis Road paved in 2023-24. He asked if his guess was right to Phil Mallon, County Engineer.

Phil Mallon replied that would be for the Board of Commissioner's to answer not me.

Chairman Graw said let's assume now that Davis Road is still gravel and Waterlace is not down to Davis Road; about 480 trips at buildout will be using Davis Road, and about 480 trips will be using Ebenezer Church; they will be going east and west from both locations. He stated that if Davis Road becomes too bad those 480 trips per day (in & out); there will be fewer people using Davis Road and going through the subdivision to use Ebenezer Church depending on how Davis Road is maintained. He said that the more cars that would use the road to go through the subdivision create a safety problem especially at buildout if you have 91 lots. He added that the land use plan calls for one (1) unit per two (2) to three (3) acres which means that A-R is not going to always be A-R. He stated that at some point and time that property is going to be rezoned to something, and we don't know what at this time. He said that Mr. Boyd mention that someone wanted one (1) acre lots but the Planning Commission turned it down. He added that one (1) acre zoning is too dense for that area and it's unfair to the citizens that live there. He stated that the PUD-PRD is and would set a poor precedent for the area; if you look at the area of Bridger Point there is a 100 acre piece of property that touches this property, and I found out today that it is considered as phase two (2) of Bridger Point. He said that the PUD-PRD has a recommended 71 one (1) acre lots, 13 lots are two (2) acres and I believe that's 14 percent, 8 lots are three (3) acres and that's nine (9) percent, and there is a four (4) acre lot in there too. He added that when he looks at the zoning map the entire area is A-R five (5) acre minimum. He reiterated that this would set a very poor precedent for the area. He stated that he feels the PUD-PRD is a backdoor way of getting 71 one (1) acre lots into an area that is minimum five (5) acres. He said that he didn't feel comfortable with it and it wasn't fair to the residents of that area. He added that there are only two (2) lots on Arnold Road that is R-70, and I believe a lot of that property south of Ebenezer around Arnold Road is A-R except for the Zack Brown property. He stated that the Planning Commission listens to people and they have always been told that you cannot let the applause and the emotion to get to you and get you all flustered; he said that he has thought about this before the meeting and it's not the all applause and the emotion out there that is getting him to say what he is saying.

Chairman Graw asked if there was anyone else who had any comments.

Brian Haren asked Mr. Hannum how often he experiences that level of flooding.

Mr. Hannum replied all too often, but every time there is a moderate to major rain storm. He said this has happen several times this year already even though we are in a drought situation. He added that the pictures were from this year and that he has pictures from prior years that are even worse.

Brian Haren asked Mr. Hammum how much flow, do you estimate comes off of the property we are discussing this evening.

Mr. Hannum replied anywhere from 75-90 percent.

Brian Haren said that's all the questions he has.

Chairman Graw asked if anyone else has any questions.

Al Gilbert stated that he has been on the Planning Commission for 30 years and a concern he is having is that the land use plan has always been their guiding light. He said that this does meet the land use. He added that it is troubling because the last few months we don't recognize land use, so we reinvent land use. He stated that he was not comfortable with the zoning, but it also troubles me that it meets the land use and there is a lot of opposition to it. He said that he knows what he is saying is not popular with the group out there, but the land use plan has been the guiding light for Fayette County over the years, and that has allowed us to have the quality development in the County by following and honoring that plan.

Jim Graw made a motion to recommend approval for R-80 zoning of Petition No. 1257-16. He said that R-80 is a minimum three (3) acre lot size and a 2500 square foot minimum house size. He added that if it were to be zoned three (3) acres that would still yield about 60 lots, and about 650 vehicle trips; with a 300 vehicle trip in reduction per day. He said that he would feel more comfortable with it because of the one (1) road going through the subdivision and Davis Road not being paved.

Pete Frisina asked if that was with the condition.

Chairman Graw replied with the condition that Mr. Boyd has agreed to.

Motion seconded by Brian Haren. The zoning petition was recommended for approval by a vote of 3-2. Jim Graw, Brian Haren, and Arnold Martin voting in favor of the petition. Al Gilbert and John Culbreth voting against the petition.

**5. Consideration of Petition No. 1258-16. Sara M. Ellis Estate, Owner and Becky Crawford, BHHS Georgia Properties, Agent request to rezone 5.89 acres from A-R to C-H to develop a Plasma Donation Center. This property is located in Land Lots 168 and 185 of the 5th District and fronts SR 85 North.**

Chairman Graw read a letter from Bob Stasiowski:

Pete,

My client lead in Chicago and our developer are both on vacation this week and failed to send the letter withdrawing the application. We are not sure what you procedures are but if this email will suffice, we would like to "defer" the application until the next meeting. That will allow the necessary parties confirm that we are in fact withdrawing the application.

Sorry for the confusion. Let me know if there is anything I need to do to assist.

Bob

Chairman Graw stated that they are asking for this to be tabled. He asked staff when the next meeting would be held.

Pete Frisina replied the next meeting will be August 4, 2016.

Chairman Graw asked if it would be okay to table this for the next 30 days.

Dennis Dutton said until August 4<sup>th</sup>.

Al Gilbert asked how long.

Pete Frisina replied that they may withdraw between now and then. He added that they are approaching the City of Fayetteville for annexation. He said it may be by the time we get to August 4<sup>th</sup> we will have a letter of withdraw that you can vote on.

Al Gilbert made a motion to table the petition until the August 4, 2016 Planning Commission meeting. Motion seconded by John Culbreth.

Al Gilbert stated that there was a comment wanted to be made by someone in the audience.

Chairman Graw asked them to step forward.

Sallie Riis asked if Becky Crawford (realtor) was notified. She stated she and the other joint heirs received a letter from the Planning & Zoning Department to be at the meeting tonight and no one ever sent them a letter saying not to be here.

Pete Frisina stated that Mr. Stasiowski is the representative for the buyer approached the City of Fayetteville, and from my understanding he had talked to the agent.

Sally Riis apparently she didn't. She stated that they were just trying to figure out was going on.

Pete Frisina said what they are asking to do is defer it to the next meeting so they can figure out what they are doing. My understanding is that they are looking to Fayetteville for infrastructure needs.

Sally Riis asked if they should come to the July 28<sup>th</sup> meeting.

Pete Frisina replied no, it will not come before the Planning Commission until August 4<sup>th</sup>.

Sally Riis said thank you and they just wanted clarification because no one had notified them.

Pete Frisina said that we didn't know until 6:15 pm today.

The motion passed by a vote of 5-0.



**6. Consideration of Petition No. 1259-16, Shelly M. Godby & Regina D. Godby, Owners, and Rod Wright, Agent request to rezone 38.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots. This property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road.**

Chairman Graw stated that the same procedure applies 20 minutes for those in favor and those in opposition.

Rod Wright requesting for the approval of the rezoning as submitted. He stated that he believes he has accommodated two (2) of the Planning Commissions wishes on the last hearing on subject property. He said that he would like to retain the remainder of his time for rebuttal and comments.

Chairman Graw asked if anyone would like to speak in favor of the petition. Hearing none, he asked if anyone would like to speak in opposition.

Jack Smith stated that he does like that they are applying for two (2) acre lots but in the same breath the land use calls for two (2) to three (3) acres. He said that he hadn't seen the layout and doesn't know if they accounted for some larger lots or not. He added that his major concern with it is that R-70 minimum house size is 1500 square feet. He stated that there has not been a 1500 square foot home in Fayette County in over 30 years. He said that a better zoning would be R-72 with a 2100 square foot house.

Chairman Graw asked if there was anyone else who wanted to speak in opposition. Hearing none, he asked Mr. Wright if he wanted to address that.

Rod Wright stated that the zoning is R-70. He said that he hears what the people are saying and understand it because he is a developer; but some of their comments don't pertain to it. He said that he agrees with Jack Smith that a 1500 ft. home has not been built, but most of it deals with setbacks and so forth with that zoning district.

Chairman Graw stated that he would bring it back before the Planning Commission.

Al Gilbert asked Mr. Wright if he saw the two (2) conditions.

Rod Wright replied that he has and he agrees to them.

Al Gilbert reads the two (2) conditions:

1. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet of right-of-way as measured from the centerline of Ebenezer Road prior to the approval of the Final Plats and said dedication area shall be shown on the Preliminary Plat and Final Plats. *(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*
2. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the centerline of Davis Road prior to the approval of the Final Plat and said dedication area shall be shown on the Preliminary Plat and Final Plat.

*(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*

Chairman Graw asked Mr. Wright if he agrees to the two (2) conditions.

Rod Wright replied yes.

Chairman Graw asked if the Planning Commission has any questions for Mr. Wright.

Arnold Martin made a motion to recommend approval for R-70 zoning of Petition No. 1259-16. Motion seconded by John Culbreth. The zoning petition was recommended for approval by a vote of 5-0.

**7. Consideration of Amendments to the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, Regarding Section 110-3 Definitions, Section 110-25 A-R, Agricultural-Residential District, Section 110-91 Recreational Vehicle, and Section 110-169 Conditional Use Approval Concerning A-R Wedding/Event Facility, Deer Processing Facility and Recreational Vehicles and Boats.**

Pete Frisina stated that the first part is to allow a deer processing facility in the A-R area. He said that this is a use that we think is appropriate in A-R and we have a lot of deer hunters in the County. He added that there is an individual who would like to build a deer processing facility in the County, because the nearest one (1) is in Spalding County; hopefully this will be able to take care of our Fayette County hunters. He stated that we have a set of conditions that have to be met to put the facility in such as: meeting the Department of Resources requirements, meeting storage and waste requirements, allowing traffic to come in and leave in a forward manner, allowing for parking on gravel and minimum landscaping in the area. He said if they were to do a paved parking they would have to meet the full standards. He added that part of this discussion deals with the A-R event facility, it is a similar use, and we have very similar requirements. He stated that it came to our attention after they had passed the amendment that another department didn't like the way we did it. He said that a lot of it is housekeeping; we did it right with deer processing as far as parking and landscaping and now we're retrofitting the A-R wedding to have the same requirements. He added that this requirement allows us to go into the development regulations to do some housekeeping. He stated that in Section 110-91 we take what you see in red, which was in the development regulations, and what was in black was already in the zoning ordinance; so we had similar requirements in two (2) ordinances and a lot of times people read the development regulations, and not the zoning ordinance, and vice versa; so we are putting all of that together as one, it's housekeeping only.

Chairman Graw asked if anyone would like to speak in a favor to the code of ordinances. Hearing none he asked if anyone would like to speak in opposition. Hearing none he brought it back to the Planning Commission.

Al Gilbert stated that we have spent a lot of time on these two ordinances the deer hunting and the wedding facilities. He said that there is a gentleman that will be doing the deer processing and he has answered a lot of his questions to his satisfaction.

Al Gilbert made a motion to recommend approval for text amendment to the Zoning Ordinance. Motion seconded by Arnold Martin. The text amendment to the Zoning Ordinance was recommended for approval by a vote of 5-0.

8. **Consideration of Amendments to the Fayette County Code of Ordinances, Chapter 104. Development Regulations, Section 104-27. Uses and Structures, Section 104-28. Site Plans, Section 104-29. Compliance, Section 104-55. Driveway and Encroachment Control, Section 104-63. Road and Intersection Visibility, Section 104-111. Purpose and Intent, Section 104-113. General Provisions, Section 104-114. Landscape Requirements and Submittals, Section 104-115. Landscape and Buffer Categories, Section 104-152. General Provisions, Section 104-153. Tree Retention, Protection and Replacement Requirements, Section 104-154. Appeals and Variances, Section 104-155. Violations, Enforcement and Penalties, Section 104-212. Reduction of Parking and Maximum Lot Coverage, Section 104-213. Street Access; Curb Cuts in Other Than Residential Districts, Section 104-213. State Highway Department Approval, Section 104-215. Corner Visibility Clearance, Section 104-217. Design Standards, Section 104-218. Location, Section 104-219. Recreational Vehicle Parking, Section 104-220. Minimum Number of Loading Spaces Required, Section 104-221. Number of Parking Spaces, Concerning A-R Wedding/Event Facility, Deer Processing Facility, Nonresidential Construction Permit and Compliance Procedures, Street Design and Specifications, Nonresidential Development Landscape Requirements, Tree Retention, Protection and Replacement, and Off-Street Parking and Service Requirements.**

Chairman Graw asked if anyone would like to speak in a favor to the code of ordinances. Hearing none he asked if anyone would like to speak in opposition. Hearing none he brought it back to the Planning Commission.

Al Gilbert stated that this is simply adding to the development regulations what we approved in item number seven (7). Al Gilbert made a motion to recommend approval for amendment to the County Codes. Motion seconded by Brian Haren. The amendment to the County Codes was recommended for approval by a vote of 5-0.

9. **Consideration of Amendments to the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, Regarding Article III. -General Provisions Concerning Hens in Conjunction with Residential Use.**

Chairman Graw asked if there was anyone who wanted to speak in favor of the amendment. Hearing none he asked if there was anyone who wanted to speak in opposition to the amendment. Hearing none he said he would bring it back to the Planning Commission.

John Culbreth asked how many hens were being recommended.

Pete Frisina said you get three (3) hens with your residence, and starting with a base lot size of one (1) acre, one (1) additional hen for each additional acre to a maximum of five (5) hens.

Arnold Martin made a motion to recommend approval of the text amendment to the Zoning Ordinance. Brian Haren seconded the motion. The motion passed by a vote of 5-0.

10. **Consideration of amendments to the Fayette County Code of Ordinances, Chapter 110., Article I – In General. Sec. 110-3. –Definitions, Article IV. - District Use Requirements, Sec. 110-145. and Sec. 110-146., Article V. - Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards, Sec. 110-169. Conditional Use Approval., Sec. 110-173. - Transportation Corridor Overlay Zone. (3) General State Route Overlay Zone, and Sec. 110-174. – Commercial Development Standards., concerning the proposed Starr’s Mill Historic Overlay District and Overlay Zone.**
11. **Consideration of the proposed Color Palette and Brick Palette for the Starr’s Mill Historic Overlay District and Overlay Zone.**
12. **Consideration of amendments to the Land Use Element Text And Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr’s Mill Historic Overlay District in the area of the Intersection of State Route 74, State Route 85 And Padgett Road.**

Chairman Graw said the BOC had denied the proposed amendments to the Zoning Ordinance concerning the Starr’s Mill Historical District because they didn’t want gasoline stations in the historic district. He said they would prefer no gas stations and not to have the L-C-2 zoning district designated for this area because this zoning district allows the convenience store with gasoline pumps. He added that the L-C-1 zoning district did not allow the convenience store with gasoline pumps.

Pete Frisina said items 10, 11 and 12 are all related to the Starr’s Mill Historical District so he said he would discuss them together. He said the BOC denied the recommended amendments to the Zoning Ordinance concerning the Starr’s Mill Historical District because they didn’t want gasoline stations in the historic district. He added that he had revised the amendments to only designate the intersection with the L-C-1 zoning district and staff still recommends creating an L-C-2 zoning district but it will not be associated with the Starr’s Mill Historical District. He stated that Chairman Graw brought a typo to his attention on the first page of the amendments to the Land Use Text and that is to replace the numeral “2” with the numeral “1” in the parenthesis behind Limited- Commercial (1).

Arnold Martin asked for clarification of what the L-C-1 zoning district allows.

Pete Frisina said it has all of the same uses as L-C-2 with the exception of the convenience store with gasoline pumps.

Al Gilbert asked if you could have the convenience store without the gasoline pumps.

Pete Frisina said no the L-C-1 does not allow a convenience store with or without gasoline

pumps.

Brian Haren asked if the BOC was specific that they didn't want the convenience stores.

Al Gilbert said they were specific that they didn't want the gasoline pumps.

Pete Frisina said the BOC used the term "gas station" but the term "gas station" is not used in either L-C-1 or L-C-2. He said when he takes it back to the BOC he would know more then.

Chairman Graw said the Planning Commission has the option to recommend something different but given that the BOC denied the amendments he would suggest that the amendments be sent back to the BOC as is now being recommended.

Chairman Graw asked in terms of item #10 the zoning ordinance amendments, is there was anyone who wanted to speak in favor of the amendment. Hearing none he asked if there was anyone who wanted to speak in opposition to the amendment. Hearing none he said he would bring it back to the Planning Commission.

John Culbreth made a motion to recommend approval of the text amendment to the Zoning Ordinance. Al Gilbert seconded the motion. The motion passed by a vote of 5-0.

Chairman Graw asked in terms of item #11 the color and brick palette, is there was anyone who wanted to speak in favor of the amendment. Hearing none he asked if there was anyone who wanted to speak in opposition to the amendment. Hearing none he said he would bring it back to the Planning Commission.

Arnold Martin made a motion to recommend approval of the Color Palette and Brick Palette. Brian Haren seconded the motion. The motion passed by a vote of 5-0.

Chairman Graw asked in terms of item #12 the land use plan amendments, is there was anyone who wanted to speak in favor of the amendment. Hearing none he asked if there was anyone who wanted to speak in opposition to the amendment. Hearing none he said he would bring it back to the Planning Commission.

John Culbreth made a motion to recommend approval of the amendment to the Fayette County Land Use text with one correction, and the Future Land Use Plan Map. Al Gilbert seconded the motion. The motion passed by a vote of 5-0.



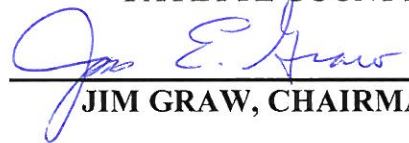
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John Culbreth made a motion to adjourn the meeting. Chairman Graw said the meeting was adjourned at 9:05 pm.

ATTEST:

  
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PLANNING COMMISSION OF  
FAYETTE COUNTY

  
\_\_\_\_\_  
JIM GRAW, CHAIRMAN